

BRENNEKE DECLARATION

EXHIBIT A

The Honorable Robert J. Bryan

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

STATE OF WASHINGTON,

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

NO. 3:17-cv-05806-RJB

STATE OF
WASHINGTON'S SECOND
INTERROGATORIES TO THE
GEO GROUP, INC.

TO: DEFENDANT THE GEO GROUP, INC.

In accordance with Federal Rule 33 you are hereby required to answer, in writing, the following discovery requests including the below Interrogatories separately and fully under oath, within thirty (30) days of their service upon you.

I. TIME AND PLACE OF PRODUCTION

1.1 The requested written answers to all discovery requests including the below, Interrogatories are to be produced to La Rond Baker, Marsha Chien, and Andrea Brenneke, Assistant Attorneys General, at the Washington State Attorney General's office at 800 Fifth Avenue, Suite 2000, Seattle, WA 98104, within thirty (30) days of being served with these Interrogatories or at such other time and place as is agreed to by the parties.

II. COMMUNICATIONS

2.1 All notices, questions, or communications concerning all discovery requests including the below Interrogatories should be directed to La Rond Baker, Assistant Attorney General, 800 Fifth Avenue, Suite 2000, Seattle, Washington 98104-1012, (206) 516-2999 or by email address: LaRondB@atg.wa.gov; Marsha Chien, Assistant Attorney General, 800 Fifth Avenue, Suite 2000, Seattle, Washington 98104-1012, (206) 389-3886 or by email address: MarshaC@atg.wa.gov; and Andrea Brenneke, Assistant Attorney General, 800 Fifth Avenue, Suite 2000, Seattle, Washington 98104-1012, (206) 233-3384 or by email address: AndreaB3@atg.wa.gov.

III. DEFINITIONS

3.1 “Any” and “all” shall be construed as “any and all.”

3.2 “And,” “or,” and “and/or” shall be interpreted and construed as broadly as possible to make the discovery request inclusive rather than exclusive, so that information otherwise within the scope of the discovery request is not excluded.

3.3 “Communication” means any conversations, meetings, correspondence, conference, and any other means or manner by which information or opinion is or was communicated to or received from others, whether written, electronic, or oral. The term includes every disclosure, transfer, exchange, or transmission of information, whether oral, written, or electronic, and whether face-to-face, by telecommunications, computer, mail, telecopier, facsimile (fax) machine, or otherwise.

3.4 “Detainee” means any person detained at the Northwest Detention Center.

3.5 “Document” means, without limitation, any “writing,” includes, without limitation, any book, pamphlet, report, memorandum, note, statement, minute, diary, transcript, working paper, telegram, letter, paper, chart, drawing, graph, photograph, publication, tape recording, videotaped or graphic matter, accounting material, records of purchase or sale,

1 contracts, agreements, invoices, and any other existing source of stored information, whether
 2 written, printed, typed, recorded, stored in a computer, or filmed. The term includes originals or
 3 duplicates of or copies of the writings, and non-identical copies bearing or having any
 4 attachments, notes or marks which distinguish them from the originals, and any electronic
 5 records, including, without limitation, electronic mail, spreadsheets, word processing files, and
 6 records saved as .pdf or other electronic files. Electronic mail subject to these discovery requests
 7 includes messages and/or attachments now only available on backup or archive tapes or disks.
 8 Also, if a print-out of an electronic record is a non-identical copy of the electronic version (for
 9 example, because the print-out has a signature, handwritten notation, or other mark or attachment
 10 not included in the computer document), both the electronic version in which the document was
 11 created and the original print-out must be produced. It includes “writings” and “recordings” as
 12 defined in ER 1001(a).

13 **3.6** “ICE” means the Immigration and Customs Enforcement agency of the United
 14 States Department of Homeland Security and all of its officers, principals, agents,
 15 representatives, and any parent, affiliate, sister, subsidiary, predecessor, successor or assignee of
 16 it, and its principals, operating divisions, present or former administrators, employees, servants,
 17 officers, directors, agents, representatives, attorneys, and any other persons or entities acting on
 18 behalf of or under the direction, authorization or control of ICE.

19 **3.7** “Identify” when applied to a natural person or entity means (a) to state the person
 20 or entity’s full name, residence or business address and telephone number, and job title or
 21 position, and (b) to give the name, address, and telephone number of the person’s employer, if
 22 known to you.

23 **3.8** “Identify” when applied to a business entity means to state the structure of the
 24 business (corporation, partnership, sole proprietorship, etc.), a brief description of the business,
 25 the registered agent for the business, the business address, and the business telephone number.
 26

1 **3.9** “Identify” when applied to a document means (a) to state the nature of the
 2 document (e.g., item of correspondence, note, contract, etc.) in detail sufficient to enable the
 3 document to be produced upon motion or request, (b) to give the specific location of the
 4 document (e.g., building name, street address, and room number), and (c) to give the name and
 5 address of the individual who has physical possession and control of the document.

6 **3.10** “Identify” when applied to a conversation means to separately state as to each
 7 communication: a) the date; b) the place at which it occurred or the medium involved; c) the
 8 persons involved and their last known addresses known to the answering party and their business
 9 affiliations at the time and presently; d) the substance of the communication; and e) the name
 10 and present address of any other person who, though not present or involved, possess information
 11 concerning the existence or nature of said communication.

12 **3.11** “Northwest Detention Center” means the facility located at 1623 J Street,
 13 Tacoma, Washington.

14 **3.12** “Person” means any individual, corporation, partnership, association, joint
 15 venture, commercial entity, limited liability company, governmental entity, municipality, firm,
 16 commission, or agency.

17 **3.13** “Relating”, “Reflect”, “Refer”, or “Pertaining To” as used herein shall mean any
 18 information which is relevant in any way to the subject matter, including without limitation to
 19 the foregoing, all information which contain, record, reflect, summarize, evaluate, comment
 20 upon, transmit or discuss the subject matter of any request, as well as drafts, work papers or other
 21 preparation material, exhibits shown or circulated at any meeting, and the text or notes of any
 22 oral or written presentation or conversation.

23 **3.14** “Relevant time period” means from November 1, 2005, to the present.

24 **3.15** To “state the basis” for an allegation, denial, claim, contention, or assertion means
 25 to: (a) state all facts and circumstances upon which it is based, in whole or in part, or which relate
 26

1 or pertain to it, including any pertinent statute or regulation and every theory of law upon which
 2 it is based; (b) identify all documents supporting, refuting, describing, commenting upon,
 3 pertaining to, or otherwise relating to it; (c) identify all persons having knowledge of it, including
 4 the circumstances under which they came to have such knowledge; and (d) identify all persons
 5 who provided the information upon which Your response is based.

6 **3.16** “You” and “Your” and “GEO” refers to The GEO Group, Inc. and any parent,
 7 affiliate, sister, subsidiary, predecessor, successor or assignee of it, and its principals, operating
 8 divisions, present or former owners, employees, servants, officers, directors, agents,
 9 representatives, attorneys, accountants, independent contractors, distributors, and any other
 10 persons or entities acting on behalf of or under the direction, authorization or control of The
 11 GEO Group, Inc., including any foreign or overseas affiliates.

12 **IV. INSTRUCTIONS**

13 **4.1** These discovery requests request production of all described documents and
 14 information in Your possession, custody or control without regard to the person or persons by
 15 whom or for whom the documents were prepared (e.g., Your employees, distributors,
 16 representatives, competitors, or others).

17 **4.2** Each discovery request including the below Interrogatories shall be accorded a
 18 separate answer. For the convenience of the parties and the Court, please quote each Request for
 19 Admission, Interrogatory, and Request for Production in full immediately preceding the answer
 20 thereto.

21 **4.3** This request includes documents in possession of Your employees, agents,
 22 representatives, and attorneys, unless privileged. If any document or information is withheld
 23 under claim of privilege, identify the document and state the basis for the privilege, and provide
 24 a detailed privilege log that contains at least the following information for each document or
 25 information that You have withheld:
 26

- a. The name of each author, writer, sender, creator, or initiator of such document, and each such person's title and his or her employer or firm;
- b. The name of all recipients, addressees, or parties for whom such document was intended or to whom the document was sent;
- c. The date of such document, or an estimate thereof if no date appears on the document;
- d. The Request for Admission, Interrogatory, or Request for Production to which the allegedly privileged document corresponds.
- e. The general subject matter of the document; and
- f. The claimed grounds for withholding the document, including, but not limited to, the nature of any claimed privilege and grounds in support thereof, stated in a manner that does not reveal privileged information but that provides information sufficiently detailed so as to enable the State to assess the applicability of the privileged claimed.

4.4 Pursuant to Federal Rule 26(e), these discovery requests including the below Interrogatories impose a continuing duty to supplement Your responses in the event additional documents and information comes into Your knowledge, possession, custody or control after Your initial production of responses to the requests.

4.5 Your responses to these discovery requests including the below Interrogatories are to be inclusive rather than exclusive. If the language of any of these discovery requests including the below Interrogatories is phrased in the singular, the Interrogatory includes the plural, and if the language of a Interrogatory is phrased in the plural, the Interrogatory includes the singular.

4.6 If You cannot answer an Interrogatory completely, You must answer to the extent possible and identify with specificity the part(s) which You cannot answer completely.

1 **4.7** If You object to responding to part of a Interrogatory, You are required to furnish
2 the information that is outside the scope of Your partial objection.

3 **4.8** In each instance in which a document is produced in response to a discovery
4 request, produce the current edition, along with all earlier editions or predecessor documents
5 serving the same function, even though the title of earlier documents may differ from current
6 versions.

7 **4.9** The following procedures shall apply to the production of documents and
8 information in response to these discovery requests including the below Interrogatories:

- 9 a. The recipient of these Interrogatories shall label each responsive
10 document or answer (i.e., Response to Request No. 1, Response to
11 Request No. 2, and so forth), group all documents responsive to a
12 particular request together, and place a label on each group of documents
13 which identifies the corresponding discovery request;
- 14 b. All attachments to responsive documents or information shall be
15 produced with, and attached to, the responsive documents (or digitally in
16 corresponding order);
- 17 c. Each responsive document or information shall be produced in its entirety
18 and no portion of any document or information shall be edited, cut,
19 masked, redacted or otherwise altered, unless for applicable privilege
20 which shall be logged according to the procedures set forth above;
- 21 d. The recipient of these Interrogatories shall provide a key to all
22 abbreviations used in the documents or information and shall attach the
23 key to the corresponding documents or information.

24 **4.10** Documents or information that may be responsive to more than one (1) numbered
25 request in these discovery requests need not be submitted more than once. However, for each
26

1 such document or information, the recipient of these, Interrogatories shall identify all of the
2 numbered requests to which the Document or information is responsive.

3 **4.11** You shall consecutively number each page of all documents or information
4 produced with Your response and indicate the total number of pages produced with Your
5 response. This page numbering must be separate from and must not alter any original page
6 numbering on the responsive documents or information.

7 **4.12** Your responses to these discovery requests should include all relevant
8 electronically stored information in Your possession, custody, or control. Washington considers
9 electronically stored information to be an irreplaceable source of evidence in this matter.
10 Accordingly, the State of Washington insists that you implement appropriate safeguards against
11 the destruction of evidence until the final resolution of this issue.

12 **4.13** Production of electronically stored information and other documents in electronic
13 format shall conform to the standards set forth in Exhibit A, which is attached to this document.

14 **4.14** If You are unable to fully answer any discovery request including any of the
15 below Interrogatories, supply all of whatever information is actually available. Designate such
16 incomplete information as incomplete and accompany the information with an explanation that
17 includes the reasons for the incomplete answer; a description of any and all of Your efforts to
18 obtain the information; and the source from which the Office of the Attorney General may obtain
19 information to complete Your response. If books, records, or other sources that provide accurate
20 answers are not available, provide Your best estimates and describe how You derived the
21 estimates, including the sources or bases of such estimates. Designate estimated data as such by
22 marking it with the “est.” notation. If there is no reasonable way for you to make an estimate,
23 provide an explanation.

24 **4.15** If particular documents responsive to these Interrogatories no longer exist for
25 reasons other than the ordinary course of business but you have reason to believe they have been
26

1 in existence, describe the documents; state the circumstances under which such documents were
2 lost or destroyed, and identify persons having knowledge of the content of the documents.

3 **V. INTERROGATORIES**

4 **INTERROGATORY NO. 7:** For each year from 2005 to the present, please identify GEO's
5 profits or losses for NWDC and the basis for your answer.

6
7 **RESPONSE:**
8
9
10

11 **INTERROGATORY NO. 8:** For each year from 2005 to the present, please state the amount
12 and basis for the amount of GEO's claimed offset, including GEO's calculation in its Initial
13 Disclosures: "Offset: \$17.12 per hour of participation in the Voluntary Work Program."

14
15 **RESPONSE:**
16
17
18

19 **INTERROGATORY NO. 9:** For each year from 2005 to the present, please provide the total
20 amount ICE reimbursed GEO for work performed by detainee workers in NWDC's VWP.

21
22 **RESPONSE:**
23
24
25
26

1 **INTERROGATORY NO. 10:** For each year from 2005 to the present, please identify the
2 number of detainee workers who have participated in the VWP at NWDC.
3

4 **RESPONSE:**
5
6
7
8

9 **INTERROGATORY NO. 11:** For each year from 2005 to the present, please identify the total
10 number of hours detainee workers worked in NWDC's VWP and the number of hours of that
11 work by task/assignment/location.
12

13 **RESPONSE:**
14
15
16
17

18 **INTERROGATORY NO. 12:** For each year from 2005 to the present, please identify each and
19 every task/assignment that detainee workers performed work for GEO at NWDC – i.e. buffing
20 the floors or painting the walls – for which they were paid in food including snacks, chicken,
21 and pop.
22

23 **RESPONSE:**
24
25
26

1
2 **INTERROGATORY NO. 13:** For each year from 2005 to the present, please identify how
3 many detainee workers performed work for GEO at NWDC for which they were paid in food
4 including snacks, chicken, and pop, how many hours they worked, and their task/assignment (i.e.
5 buffing the floors or painting the walls).

6
7 **RESPONSE:**
8
9
10

11 **INTERROGATORY NO. 14:** For each and every GEO facility in the United States, please
12 identify each and every VWP position where immigrant detainee workers earn more than a \$1
13 per day.
14

15 **RESPONSE:**
16
17
18

19 **INTERROGATORY NO. 15:** For each year from 2005 to present, please identify each and
20 every non-detainee GEO employee that supervised detainee workers in NWDC's kitchen
21 including name, job title, duties, work assignment, and dates the non-detainee GEO employee
22 held the supervisory position.
23

24 **RESPONSE:**
25
26

1 **INTERROGATORY NO. 16:** For each year from 2005 to the present, please identify each
 2 and every non-detainee GEO employee that supervised detainee workers in NWDC's laundry
 3 including name, job title, duties, work assignment, and dates the non-detainee GEO employee
 4 held the supervisory position.

5
 6 **RESPONSE:**
 7
 8
 9

10 **INTERROGATORY NO. 17:** For each year 2005 to the present, please identify each and
 11 every non-detainee GEO employee whose main job duty was to perform janitorial tasks at
 12 NWDC, including name, job title, duties, work assignment, and dates the non-detainee GEO
 13 employee held this position.

14
 15 **RESPONSE:**
 16
 17
 18

19 **INTERROGATORY NO. 18:** For each year 2005 to the present, please identify and any all
 20 job assignments/tasks and the daily VWP shifts for each (i.e. breakfast, lunch or dinner kitchen
 21 shifts, yard clean up duty, morning and evening bathroom cleaning shifts, commissary
 22 disbursement, food distribution) including their start and end times and the number of detainee
 23 workers per shift.

24
 25 **RESPONSE:**
 26

1
2
3
4 DATED this 12th day of June, 2018.

5 ROBERT W. FERGUSON
6 Attorney General

7 s/ La Rond Baker

8 LA ROND BAKER, WSBA No. 43610
9 MARSHA CHIEN, WSBA No. 47020
10 ANDREA BRENNEKE, WSBA No. 22027
11 Assistant Attorneys General
12 Civil Rights Unit
13 Attorney General of Washington
14 800 Fifth Avenue, Suite 2000
15 Seattle, WA 98104
16 (206) 516-2999
17 larondb@atg.wa.gov
18 marshac@atg.wa.gov
19 andreab3@atg.wa.gov
20
21
22
23
24
25
26

DECLARATION OF SERVICE

I certify that I served a copy of this document on all parties or their counsel of record on the date below as follows:

☒ Electronic Service (by agreement of counsel) to:

Joan Mell
III Branches Law, PLLC
1019 Regents Blvd., Ste. 204
Fircrest, WA 98466
joan@3brancheslaw.com

Andrea L. D'Ambra
Norton Rose Fulbright
1301 Avenue of the Americas
New York, New York 10019-6022
andrea.dambra@nortonrosefulbright.com

Charles Deacon
Norton Rose Fulbright
300 Convent Street
San Antonio, TX 78205
charlie.deacon@nortonrosefulbright.com

Mark Emery
Norton Rose Fulbright
799 9th Street NW, Suite 1000
Washington, DC 20001-4501
mark.emery@nortonrosefulbright.com

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 12th day of June, 2018, at Seattle, Washington.

/s La Rond Baker
LA ROND BAKER